

2007

Assembly Committee on Elections and Redistricting Summary of Legislation 2007

Assembly Committee on Elections and Redistricting

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ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

SUMMARY OF LEGISLATION

2007

CURREN PRICE, CHAIR

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Assembly
California Legislature
**Elections and Redistricting
Committee**

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Assemblymember, Fifty-First District

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Roger Niello
Lori Saldaña

December 2007

Dear Interested Parties:

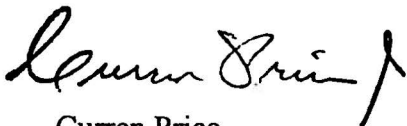
This booklet summarizes selected legislation approved by the Assembly Committee on Elections and Redistricting during the 2007 legislative year. Those bills that made it through the legislative process and were subsequently signed or vetoed by the Governor are included. Those bills that failed to reach the Governor's desk are not.

Among the more noteworthy legislation considered and approved by the committee were measures to move California's Presidential Primary election to February, to crack down on attempts to intimidate voters, to ensure that a back-up voting procedure is available to voters if a polling place runs out of ballots or if voting machines fail, and to make it more convenient for absentee voters to return their ballots. These are just some of the important reforms approved by the committee this session. The booklet has a complete listing of other measures.

Most of the bills signed into law will take effect on January 1, 2008. Those bills noted as urgency measures took effect on the day they were signed by the Governor. The full text of legislation summarized in this pamphlet, as well as the committee analysis of those measures, may be viewed on the Internet via the Legislative Counsel's web site (<http://www.leginfo.ca.gov/>).

I hope this publication will be informative and useful as a reference tool. For additional copies or other information concerning committee activities, please contact us at (916) 319-2094.

Sincerely,



Curren Price

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KEY TO ABBREVIATIONS USED

N/R: VOTE NOT RELEVANT

28.8: BILL REPORTED TO SENATE FLOOR PURSUANT TO SENATE RULE 28.8, WHICH PROVIDES THAT BILLS REFERRED TO THE SENATE APPROPRIATIONS COMMITTEE THAT DO NOT HAVE SIGNIFICANT STATE COSTS SHALL BE REPORTED TO THE SENATE FLOOR WITHOUT A HEARING BY THE APPROPRIATIONS COMMITTEE.

29.10: BILL REFERRED TO POLICY COMMITTEE PURSUANT TO SENATE RULE 29.10, WHICH PROVIDES THAT A BILL THAT HAS BEEN SUBSTANTIALLY AMENDED SINCE APPROVAL BY A POLICY COMMITTEE MAY BE RE-REFERRED TO A POLICY COMMITTEE.

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

2007 LEGISLATIVE HIGHLIGHTS

PRESIDENTIAL PRIMARY ELECTION:

In an effort to increase California's role in Presidential elections, the Legislature approved a bill to move California's Presidential Primary election to February, the earliest that the state has ever held its Presidential Primary. In 2008, California's Presidential Primary will be held on February 5th, the earliest date permitted by the national Democratic and Republican parties.

PREVENTING VOTER INTIMIDATION:

In response to a Spanish-language letter sent to certain foreign-born voters in the days leading up to the November 2006 general election that incorrectly stated that immigrants are not allowed to vote, the committee took a number of steps to crack down on voter intimidation. Beginning in 2008, a bill approved by the Legislature will allow courts to impose restitution fines on individuals convicted of voter intimidation attempts. Fine revenues will be used for voter education campaigns that respond to the act of voter intimidation. Other measures considered and approved by the committee included a bill to increase the criminal penalties for acts of voter intimidation and a bill to require that all candidates be given information about state laws prohibiting voter intimidation.

ABSENTEE VOTING:

A number of measures approved by the committee seek to make absentee voting more convenient and accessible to California voters. Among the notable bills approved by the committee were a proposal to allow absentee voters to return their absentee ballots to any polling place in the state and a proposal to ensure that voters are notified of the amount of postage that they must include to return their absentee ballot. One of the more noticeable changes is a change in the name of absentee voting—the Legislature approved and the Governor signed legislation to change the terminology from absentee voting to "vote by mail" voting. That change should help clarify that voters do not need to be "absent" from the state on election day in order to vote by mail.

POLLING PLACE OPERATIONS:

Seeking to ensure that voters are not disenfranchised, the Legislature approved a bill that requires elections officials to develop a back-up option so that voters can cast a ballot without waiting if voting machines fail or if a polling place runs out of ballots. That legislation also ensures that every voter has the option of voting on a paper ballot, and requires monitoring and testing of electronic voting machines on election day.

ASSEMBLY COMMITTEE ON ELECTIONS & REDISTRICTING

2007 LEGISLATIVE SUMMARY

AB 44 (MENDOZA)

VETOED

ABSENTEE VOTERS: BALLOT MATERIALS.

[Amends Section 2150 of, and adds Section 3023.5 to, the Elections Code]

Under existing law, any voter may apply to become a permanent absentee voter—someone who automatically receives an absentee ballot for each election without having to apply for the absentee ballot.

This bill would have required voter registration forms to include a box that the voter could check if he or she wanted to become a permanent absentee voter.

Existing law requires elections officials to mail a sample ballot, together with a ballot pamphlet that contains candidates' statements, to each registered voter. The sample ballot must be mailed by the elections official not more than 40 nor less than 21 days before the election to each voter who has registered prior to the 29th day before the election. Because elections officials begin mailing absentee ballots on the 29th day before the election, some voters may receive their absentee ballots before receiving the sample ballot that contains the candidates' statements.

This bill would have required each absentee ballot to be accompanied by a sample ballot or a voter's pamphlet that contains the candidates' statements unless the voter has already been provided with these statements.

On October 11, 2007, Governor Schwarzenegger vetoed this bill, saying that it "unnecessarily imposes additional costs on local election officials" and noting that absentee voters currently have the option of waiting to receive the candidates' statements before casting a ballot.

Legislative History

Assembly Elections 6-1
Assembly Appropriations... 11-5
Assembly Floor..... 63-12
Assembly Concurrence ... 53-24

Senate Elections..... 3-2
Senate Appropriations (28.8)
Senate Floor..... 24-13

AB 119 (PRICE)
CHAPTER 487 – STATUTES OF 2007
ELECTIONS: PAYMENT OF EXPENSES. URGENCY.

[Adds and repeals Section 13001 of the Elections Code]

This bill restores a provision of law, which had sunset on January 1, 2007, that requires the state to pay the costs of a special election to fill a vacancy in the office of the California State Senate or Assembly, or to fill a vacancy in the office of United States Senate or House of Representatives. This bill applies to any special election held on or after January 1, 2007 and before January 1, 2008.

Additionally, this bill restores a provision of law, which had sunset on January 1, 2007, that requires the counties to pay all expenses in the preparation and conduct of an election, except that expenses that are incurred for the preparation and conduct of elections called by the governing body of a city must be paid by the city.

Legislative History

Assembly Elections 7-0
 Assembly Appropriations... 17-0
 Assembly Floor 79-0
 Assembly Concurrence..... 77-0

Senate Elections..... 5-0
 Senate Appropriations 17-0
 Senate Floor 39-1

AB 122 (SOLORIO)
VETOED
VOTER INTIMIDATION: CANDIDATE NOTIFICATIONS.

[Adds Chapter 7 (commencing with Section 20600) to Division 20 of the Elections Code]

In October 2006, a Spanish-language letter was sent to foreign-born Democrats with Spanish surnames in the 47th Congressional District which warned recipients that immigrants are not allowed to vote. Additionally, the letter warned that the United States government was installing a new computer system to verify the names of all new registered voters, which would be made available to anti-immigrant organizations.

On October 30, 2006, the Assembly Elections & Redistricting Committee held a hearing in Orange County to discuss that letter and to determine whether any legislative response would be appropriate. The committee heard and received written testimony from numerous individuals and organizations, including from recipients of the letter, experts in election law, and various community organizations.

Legislative History

Assembly Elections 5-2
 Assembly Appropriations... 11-5
 Assembly Floor 46-27

Senate Elections..... 3-1
 Senate Appropriations (28.8)
 Senate Floor 23-12

One of the recommendations made at that hearing was that the counties should provide information to candidates in the candidate handbooks about the provisions of state law against voter intimidation and voter fraud, and the penalties for violating such provisions.

This bill would have required elections officials to provide individuals running for office with a copy of provisions of state law that prohibit voter intimidation and voter fraud and the penalties for violating those provisions.

On October 11, 2007, Governor Schwarzenegger vetoed this bill. In his veto message, the Governor argued that "[t]he recent events in Orange County were in all likelihood a result of willful misconduct rather than ignorance of the law," and that "[t]he appropriate response to those events is the full prosecution of those who broke the law, not passing a law to impose unnecessary requirements on election officials and law-abiding candidates."

AB 223 (SHARON RUNNER)
CHAPTER 359 – STATUTES OF 2007
ABSENTEE VOTING: MILITARY SERVICE.

[Amends Sections 3103.5 and 3110 of the Elections Code]

Existing law allows certain California voters, including members of the military, who are temporarily living overseas, to return their ballots by facsimile transmission.

This bill additionally allows a person who is called for military service within the United States on or after the last day to apply for an absentee ballot to return his or her ballot by facsimile transmission.

Additionally, this bill allows any voter who is unable to appear at his or her polling place because of being recalled to service after the final day to apply for an absentee ballot to appear before the elections official in the county in which the voter is recalled to service, if that county is within the state, to apply for an absentee ballot, and requires the elections official in the county in which the voter is recalled to service to coordinate with the elections official in the county in which the voter is registered to provide an absentee ballot containing the appropriate measures and races for the voter.

Legislative History

Assembly Elections.....	7-0
Assembly Appropriations ...	15-0
Assembly Floor	70-0
Assembly Concurrence.....	75-0
Senate Elections.....	4-0
Senate Appropriations	12-0
Senate Floor	38-0

AB 288 (PRICE)
CHAPTER 491 – STATUTES OF 2007
VOTER INTIMIDATION: VOTER INTIMIDATION RESTITUTION FUND.

[Adds Sections 18547 and 18548 to the Elections Code]

In October 2006, a Spanish-language letter was sent to foreign-born Democrats with Spanish surnames in the 47th Congressional District, which warned recipients that immigrants are not allowed to vote. Additionally, the letter warned that the United States government was installing a new computer system to verify the names of all new registered voters, which would be made available to anti-immigrant organizations.

In response to this letter, then-Attorney General Bill Lockyer opened a criminal investigation, and then-Secretary of State Bruce McPherson, in coordination with the National Association of Latino Elected and Appointed Officials, the National Council of La Raza, and the Mexican American Legal Defense and Educational Fund, sent a letter to all the recipients of the first letter indicating that the first letter was "unauthorized and inaccurate."

On October 30, 2006, the Assembly Elections & Redistricting Committee held a hearing in Orange County to discuss that letter and to determine whether any legislative response would be appropriate. The committee heard and received written testimony from numerous individuals and organizations, including from recipients of the letter, experts in election law, and various community organizations. One of the recommendations made at that hearing was a suggestion that individuals responsible for violating state laws prohibiting voter intimidation should be required to pay for public education campaigns, such as the one conducted by Secretary of State McPherson and various community organizations, to counteract the effect of the crime.

This bill allows a court to require any person convicted of voter intimidation to pay a fine, with the fine revenues being used to pay for voter education campaigns to respond to that act of voter intimidation.

Legislative History

Assembly Elections 6-1
 Assembly Appropriations... 17-0
 Assembly Floor..... 78-0
 Assembly Concurrence 78-0

Senate Elections..... 5-0
 Senate Appropriations 11-0
 Senate Floor 35-0

AB 332 (DEVORE)
CHAPTER 51 – STATUTES OF 2007
ELECTIONS: RECALL PETITIONS: SIGNATURE CERTIFICATION.

[Amends Sections 11224 and 11225 of the Elections Code]

Under existing law, elections officials have 30 days from the date a county initiative petition is filed, excluding Saturdays, Sundays and holidays, to verify the signatures on the petition and to determine whether those signatures are sufficient to certify the petition. However, while elections officials also have 30 days to verify the signatures on a local recall petition, that 30-day period does not exclude Saturdays, Sundays and holidays. This inconsistency can cause confusion for the public and local elections officials.

Legislative History

Assembly Elections	7-0
Assembly Floor	76-0
Senate Elections.....	4-0
Senate Floor	37-0

This bill would create consistency between the verification period for local initiative petitions and the verification period for local recall petitions by excluding Saturdays, Sundays, and holidays when calculating the 30-day period that elections officials have to verify the signatures on a local recall petition.

AB 404 (RUSKIN)
CHAPTER 495 – STATUTES OF 2007
POLITICAL REFORM ACT OF 1974: DISCLOSURE.

[Amends Section 84505 of, and adds Section 84506.5 to, the Government Code]

Existing law requires a broadcast or mass mailing advertisement supporting or opposing a candidate or ballot measure that is paid for by an independent expenditure to include a disclosure statement that identifies the name of the committee making the independent expenditure and the names of the persons from whom the committee making the independent expenditure has received its two highest cumulative contributions of \$50,000 or more during the 12-month period prior to the expenditure.

Legislative History

Assembly Elections	7-0
Assembly Appropriations...	16-0
Assembly Floor	72-0
Assembly Concurrence	75-0
Senate Elections.....	5-0
Senate Appropriations	(28.8)
Senate Floor	39-0

This bill additionally requires that any advertisement supporting or opposing a candidate that is paid for by an independent expenditure must include a statement that the expenditure was not authorized by a candidate or a committee controlled by a candidate. This disclosure is similar to a statement that is required by federal law to be included in independent expenditures that support or oppose candidates for federal office.

AB 452 (ARAMBULA)
CHAPTER 316 – STATUTES OF 2007

VOTER REGISTRATION: NOTIFICATION OF CHANGE IN PARTY AFFILIATION.

[Amends Sections 2155 and 2156 of, and adds Section 2155.5 to, the Elections Code]

Currently, when an individual registers or re-registers to vote in California, that person receives a voter notification card that indicates that the person is registered to vote and stating the person's political party affiliation.

This bill requires the voter notification card to explicitly state that the card may have been sent due to a change by the voter of his or her political party affiliation. Any existing supplies of voter notification cards could be used before this requirement would take effect.

Additionally, this bill allows the Secretary of State, in coordination with county elections officials that choose to participate, to develop specific procedures to address complaints related to voter registration, including procedures to promptly re-register voters who believe their registration were changed improperly.

Legislative History

Assembly Elections 7-0
 Assembly Appropriations... 16-0
 Assembly Floor 76-0
 Assembly Concurrence 76-0

Senate Elections..... 4-0
 Senate Appropriations (28.8)
 Senate Floor 39-0

AB 473 (ADAMS)
CHAPTER 54 – STATUTES OF 2007
POLITICAL REFORM ACT OF 1974: FILING CAMPAIGN STATEMENTS.

[Amends Section 84215 of the Government Code]

Under existing law, all campaign committees other than committees that file reports exclusively in one city are required to file two copies of campaign statements with the county in which the committee is domiciled. Because committees increasingly are hiring professional treasurers and using the treasurer's business address as the address of the committee, the county in which a committee is domiciled is often a county in which the committee raises no funds and makes no contributions or expenditures. Nonetheless, the committee must file copies of its reports with its county of domicile in addition to filing copies with the relevant filing officer.

This bill repeals a requirement that proponents of state ballot measures and non-candidate controlled committees file two copies of campaign statements with the county in which the committee is domiciled. Candidates would still be required to file copies of campaign reports in

Legislative History

Assembly Elections 7-0
 Assembly Floor 76-0

Senate Elections..... 4-0
 Senate Floor 37-0

the county in which the candidate is domiciled.

In addition to filing the original campaign statement and a copy with the "filing officer," existing law requires certain candidates and committees to file two copies of all campaign statements with other county filing officers. However, those filing officers that are receiving copies of campaign statements have indicated that they rarely need more than one copy.

This bill reduces the number of copies of campaign statements that candidates, elected officials and committees must file when required to file copies of campaign statements with the officials other than the filing officer from 2 copies to 1 copy.

Additionally, this bill clarifies that copies of campaign statements should be filed with county elections officials, rather than county clerks, to conform to current practice.

AB 603 (PRICE)
CHAPTER 234 – STATUTES OF 2007
VOTER REGISTRATION: CONFIDENTIALITY.

[Amends Section 2166.5 of the Elections Code]

Existing state law contains a program, known as the Safe at Home program, which allows victims of domestic violence, sexual assault, and stalking to apply to the Secretary of State (SOS) for an alternate mailing address that can be used in public records. Participants in the Safe at Home program use a substitute address provided by the SOS, and the SOS forwards participants' mail to their actual addresses. State and local agencies are required to accept the substitute address, except in certain limited cases, when presented proof that a person is participating in the program.

Legislative History

Assembly Elections	7-0
Assembly Appropriations...	15-0
Assembly Floor.....	75-0
Assembly Concurrence	77-0

Senate Elections.....	5-0
Senate Appropriations.....	(28.8)
Senate Floor.....	39-0

Additionally, Safe at Home participants are allowed to have their voter registration information kept entirely confidential from campaigns, pollsters and the media by completing a confidential voter registration affidavit. Once registered, Safe at Home participants become permanent absentee voters who vote by mail. Since its inception, the Safe at Home program has been operating as a pilot project, with a sunset date.

In 2006, the Legislature approved and the Governor signed AB 2169 (Montañez), a bill that extended the sunset date on the Safe at Home program from January 1, 2008 to January 1, 2013. However, AB 2169 did not extend the sunset date on the confidential voter registration portion of the Safe at Home program.

This bill extends the sunset date on the confidential voter registration portion of the Safe at Home program to January 1, 2013—the same date on which the rest of the Safe at Home project is currently scheduled to sunset.

AB 614 (ENG)

VETOED

VOTING RIGHTS: LANGUAGE ASSISTANCE.

[Amends Sections 12303 and 14201 of, adds Section 12317 to, and adds Chapter 5 (commencing with Section 12400) to Division 12 of, the Elections Code]

Various provisions of state and federal law require elections officials to provide assistance to voters in languages other than English in areas of the state where specified numbers or percentages of voting-age residents in the area are fluent in a language other than English. Among other forms of assistance, elections officials may be required to provide all election materials in languages other than English, and may be required to recruit polling place workers who are fluent in languages other than English.

Legislative History

Assembly Elections 6-1
 Assembly Appropriations... 12-5
 Assembly Floor..... 49-29
 Assembly Concurrence ... 49-28

Senate Elections..... 3-2
 Senate Appropriations 10-7
 Senate Floor..... 25-15

This bill would have required each county to submit a report to the Secretary of State (SOS) in every even-numbered year detailing its compliance with applicable federal and state laws and regulations related to providing voters with language assistance. Additionally, this bill would have required the SOS to consult with an advisory body composed of members from voting rights organizations, elections officials, and other groups to develop a list of best practices that elections officials could follow to help them comply with laws protecting the rights of voters with limited English proficiency, and would have modified the method by which an elections official determines which precincts must have bilingual polling place workers.

On October 13, 2007, Governor Schwarzenegger vetoed this bill, expressing concern that the reports required by the bill "would be of limited value and would place an unnecessary strain on the state's limited resources."

AB 745 (SILVA)
CHAPTER 109 – STATUTES OF 2007
LOCAL AGENCY FORMATION COMMISSIONS.

[Amends Sections 56100.1 and 56700.1 of, and
adds Section 57009 to, the Government Code]

The Cortese-Knox-Hertzberg Local Government Reorganization Act spells out the powers of Local Agency Formation Commissions (LAFCOs) and the procedures for changing local government boundaries, such as annexations to an existing city or the incorporation of a new city. While LAFCOs are charged with reviewing and approving or disapproving boundary changes, the application to the LAFCO for the boundary change is often initiated through a petition. Additionally, LAFCO law requires certain boundary changes to go before the voters.

Legislative History

Assembly Local Gov.	7-0
Assembly Elections.....	7-0
Assembly Floor	74-0
Assembly Concurrence.....	76-0
Senate Local Gov.	5-0
Senate Floor	37-0

While provisions of state law governing the circulation of petitions that will be submitted to a LAFCO are similar to provisions of state law governing the circulation of initiative petitions, the LAFCO petitions are not initiative petitions. As such, the Fair Political Practices Commission (FPPC) has determined that provisions of state law that require an individual or an organization to file campaign reports disclosing expenditures made to gather signatures on an initiative petition do not apply to expenditures made to gather signatures on a LAFCO petition. In an opinion issued in 1976 (*In re Fontana*, 2 FPPC Ops. 25, 75-162), the FPPC opined that a proposal pending before a LAFCO does not become a "measure," and thus is not subject to the provisions of the Political Reform Act requiring disclosure of contributions and expenditures in support of or in opposition to that measure, until that proposal is placed on the ballot. AB 2838 (Hertzberg), Chapter 761, Statutes of 2000, requires expenditures for political purposes related to a change of organization or reorganization proposal that has been submitted to a LAFCO, and contributions in support of or in opposition to those measures, to be disclosed in the same manner as local initiative measures to be presented to the electorate. However, it is not clear whether this provision requires disclosure of such expenditures made and contributions received when collecting signatures on a petition that will be submitted to a LAFCO.

This bill requires expenditures made for political purposes in connection with petitions that are to be submitted to a LAFCO to be disclosed in the same manner that such expenditures would be required to be disclosed if the petitions were for an initiative measure. By requiring such disclosure, the bill may provide the public with greater information about the individuals or organizations that are financially supporting or opposing petition-initiated proceedings before a LAFCO.

Additionally, while supporters and opponents of boundary change petition proposals must report their campaign contributions and expenditures, state law doesn't require similar reporting for

those who petition against boundary changes that LAFCOs have already approved. This bill closes this gap in the statutory requirements for reporting campaign information.

AB 773 (BLAKESLEE)
VETOED
ELECTIONS: ABSENTEE BALLOTS.

[Amends Sections 3017 and 15320 of the Elections Code]

Existing law allows a voter to return his or her absentee ballot on election day to any polling place within the jurisdiction of the elections official who issued the ballot (for statewide elections, ballots are issued by the counties, so absentee voters may return their absentee ballots to any polling place within the county).

This bill would have allowed a voter to return his or her absentee ballot on election day to any polling place in the state. Additionally, this bill would have required elections officials to forward absentee ballots received at the polling place to the elections official who issued the ballot.

Legislative History

Assembly Elections	7-0
Assembly Appropriations...	11-5
Assembly Floor.....	62-13
Assembly Concurrence ...	59-16

Senate Elections.....	4-1
Senate Appropriations.....	(28.8)
Senate Floor.....	22-16

On October 11, 2007, Governor Schwarzenegger vetoed this bill. In his veto message, the Governor argued that "[w]hile it may be convenient for a small number of voters to return their ballots in counties other than their county of residence, the extra costs to counties and inherent delays associated with this measure do not justify the provisions of this bill."

AB 917 (SALAS)
CHAPTER 501 – STATUTES OF 2007
ELECTIONS.

[Amends Sections 14299 and 19251 of, and adds Sections
 14300 and 19255 to, the Elections Code]

Existing law provides that if the precinct board at a polling place is unable to provide a qualified voter with a ballot, because there is an insufficient number of ballots at the precinct, the elections official must deliver additional ballots to the precinct to ensure that all eligible voters can cast their ballots by 10 p.m. on election day.

This bill instead requires the elections official to deliver additional ballots to the precinct within two hours, and gives every voter who is waiting for the delivery of additional ballots the option of casting a ballot immediately using an alternative procedure established prior to the election.

Additionally, this bill requires the precinct board to provide any voter with a paper ballot upon request, if supplies remain available, and requires each polling place to have a specified number of paper ballots for such purposes. The number of paper ballots required varies depending on the type of election and the number of registered voters eligible to vote on that ballot.

Finally, this bill requires the Secretary of State to conduct parallel monitoring at each statewide election for every direct recording electronic voting system on which ballots will be cast. "Parallel monitoring" is the testing of a randomly selected sampling of voting equipment on election day designed to simulate actual election conditions to confirm that the system is registering votes accurately.

Legislative History

Assembly Elections 6-1
 Assembly Appropriations... 12-5
 Assembly Floor..... 59-18
 Assembly Concurrence ... 60-17

Senate Elections..... 4-1
 Senate Appropriations 15-1
 Senate Floor..... 36-3

AB 965 (ANDERSON)
CHAPTER 60 – STATUTES OF 2007
CALIFORNIA REPUBLICAN PARTY: ORGANIZATION.

[Amends Section 7250 of, and repeals and adds Chapter 3 (commencing with Section 7350) to Part 3 of Division 7 of, the Elections Code]

Existing law establishes the membership of the state central committee of the Republican Party of California and provides various provisions regarding the operation of the party's state central committee.

This bill repeals the statutory rules governing the operation of the state central committee of the Republican Party, and instead generally provides that the rules governing the central committee shall be adopted and set forth in the bylaws of the Republican Party. Additionally, this bill changes the name of the Republican Party of California to the "California Republican Party."

Legislative History

Assembly Elections	7-0
Assembly Floor	76-0
Senate Elections.....	4-0
Senate Floor	37-0

AB 1090 (SPITZER)
CHAPTER 505 – STATUTES OF 2007
BALLOT DESIGNATION REQUIREMENTS.

[Amends Section 13107 of, and adds Section 13107.3 to, the Elections Code]

Existing law generally allows a candidate for office to have a ballot designation listed below his or her name on the ballot. Subject to certain restrictions, this ballot designation typically consists of an elective or appointive office held by the candidate, or the principal profession, vocation, or occupation of the candidate. The Secretary of State and local elections officials must reject ballot designations that would mislead the voters or that would suggest an evaluation of a candidate.

This bill requires each candidate submitting a ballot designation to file a ballot designation worksheet that supports the use of that designation with the elections official at the same time he or she files a declaration of candidacy, and requires the elections official to examine the ballot designation worksheet to determine whether a candidate's desired ballot designation is in violation of the restrictions on ballot designations.

Legislative History

Assembly Elections.....	7-0
Assembly Appropriations ...	16-0
Assembly Floor	77-0
Assembly Concurrence.....	76-1
Senate Elections.....	5-0
Senate Appropriations	(28.8)
Senate Floor	39-0

AB 1151 (LIEU)
VETOED
VOTER REGISTRATION.

[Adds Section 2156.5 to the Elections Code]

In 1993, Congress enacted the National Voter Registration Act (NVRA) to enhance voting opportunities for every American. NVRA was designed to make it easier for all Americans to register to vote and to maintain their registration. NVRA requires notification of all applicants of whether their voter registration applications were accepted or rejected. Under the provisions of NVRA, the Department of Motor Vehicles and other state agencies that assist in providing voter registration forms to voters are required to inform voters that within 30 days of submitting their affidavits of registration they should expect to receive a voter registration notification card by mail and if they do not receive the notification they should contact their local elections office or the Secretary of State.

Legislative History

Assembly Elections	7-0
Assembly Appropriations...	11-5
Assembly Floor.....	50-22
Assembly Concurrence ...	61-16
Senate Elections.....	3-1
Senate Appropriations	9-5
Senate Floor	26-13

This bill additionally would have required county elections officials to provide online access to information whereby individuals could confirm the receipt of their affidavit of registration using the county's elections division Web site. Counties that do not have an elections division Web site would have been required to establish a toll-free number for qualified voters to confirm that their affidavit of registration was received by the elections official.

On October 11, 2007, Governor Schwarzenegger vetoed this bill, arguing that it was unwise to impose a statewide mandate given the fact that counties are already required to send a voter notification card and that some counties already have implemented an online system for voters to confirm their voter registration information.

AB 1167 (NAVA)
VETOED
ABSENTEE BALLOTS: VOTING BY MAIL.

[Amends Section 3011 of, and adds Sections 3012.5 and 3012.6 to, the Elections Code]

Existing law allows any voter to become an absentee voter, and to cast his or her ballot by mail.

This bill would have required each county elections official to negotiate with the United States Postal Service (USPS) to ensure that all absentee ballots that are returned by voters are delivered to the elections official, regardless of whether sufficient postage is provided.

This bill would have required the elections official to provide notification to absentee voters when more than one first-class stamp or the equivalent postage was required in order to return an absentee ballot. Finally, this bill would have required counties to report to the Secretary of State on the status of negotiations with the USPS and on the amount of postage that a voter is required to affix in order to return an absentee ballot.

Governor Schwarzenegger vetoed this bill on October 11, 2007, arguing that it should be optional, not a mandate, for local elections officials to negotiate with the USPS to ensure that all absentee ballots that are returned by voters are delivered to the elections official, regardless of whether sufficient postage is provided.

Legislative History

Assembly Elections	6-1
Assembly Appropriations...	12-5
Assembly Floor.....	59-18
Assembly Concurrence ...	62-15
Senate Elections.....	3-2
Senate Appropriations.....	11-6
Senate Floor.....	24-13

AB 1243 (KARNETTE)
CHAPTER 508 – STATUTES OF 2007
VOTE BY MAIL VOTERS.

[Amends Section 35763 of the Education Code, amends Sections 300, 335.5, 353.5, 2150, 2166, 2166.5, 2166.7, 2191, 2300, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3007.5, 3007.7, 3008, 3009, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3024, 3100, 3101, 3102, 3103, 3103.5, 3104, 3108, 3109, 3110, 3111, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3302, 3303, 3304, 3305, 3307, 3308, 3310, 3311, 3405, 3502, 10261, 10530, 10531, 10704, 10734, 12309.5, 13204, 13216, 13266, 13267, 13315, 13316, 13317, 14102, 14245, 14282, 14284, 14310, 15100, 15101, 15102, 15103, 15104, 15105, 15106, 15109, 15110, 15111, 15112, 15150, 15211, 15212, 15278, 15302, 15320, 15321, 15360, 15601, 17301, 17302, 17303, 17304, 17504, 17505, 18371, 18402, 18403, 18576, 18577, 18578, 19229.5, and 21000 of, amends the heading of Article 2 (commencing with Section 15320) of Chapter 4 of Division 15 of, amends the heading of Chapter 1 (commencing with Section 3000) of Division 3 of, amends the heading of Chapter 3 (commencing with Section 3200) of Division 3 of, amends the heading of Chapter 2 (commencing with Section 15100) of Division 15 of, amends the heading of

Division 3 (commencing with Section 3000) of, the Elections Code, amends Section 8211 of the Government Code, and amends Section 2288 of the Revenue and Taxation Code]

Under existing law, any voter may become an absentee voter. Absentee voters typically receive their ballots by mail, and have the option of returning their ballots by mail or in person to the elections official or to a polling place on election day.

This bill changes the terminology used to refer to a voter who chooses to vote by mail from an "absentee voter" to a "vote by mail voter."

Additionally, this bill requires that voter registration cards contain a space to permit the voter to apply to become a vote by mail voter.

Legislative History

Assembly Elections..... 7-0
 Assembly Appropriations ... 14-3
 Assembly Floor 67-12
 Assembly Concurrence.... 62-16

Senate Elections..... 3-2
 Senate Appropriations (28.8)
 Senate Floor 26-13

AB 1287 (JEFFRIES) CHAPTER 63 – STATUTES OF 2007 ABSENTEE VOTING.

[Amends Section 3018 of the Elections Code]

Existing state law authorizes elections officials to establish early voting sites, known as satellite locations, where a voter may cast his or her ballot as early as the 29th day prior to an election.

In order to ensure that all voters have an opportunity to use early voting sites, the elections official is required to issue a general news release not later than 14 days before voting begins at a satellite location.

Legislative History

Assembly Elections..... 7-0
 Assembly Floor 76-0

Senate Elections..... 4-0
 Senate Floor 37-0

Days before the November 2006 statewide general election was to take place, a fire devastated 42,000 acres in Riverside County, requiring the county to evacuate citizens and to close satellite voting locations. Although the fire was contained before election day, the requirement to publish the location of satellite locations at least 14-days prior to commencement of voting at such locations made it impossible for the county to relocate early voting sites and accommodate the citizens displaced by the fire.

This bill provides county elections officials with greater flexibility to establish or move early voting locations with less than 14 days notice in situations where there is a declared emergency or disaster. In circumstances where an emergency or disaster is declared, this bill allows the elections official to provide only 48 hours notice prior to commencing voting at a satellite location.

AB 1294 (MULLIN)

VETOED

RANKED VOTING: LOCAL ELECTIONS.

[Adds Chapter 2 (commencing with Section 10050) to
Part 1 of Division 10 of the Elections Code]

Ranked voting is an election method in which voters rank the candidates for office in order of preference, and ballots are counted in rounds. In the case of a single-winner election, also known as "instant run-off voting," these rounds simulate a series of runoffs until only two candidates remain, with the candidate having the greater number of votes being declared the winner. In the case of a multiple-winner election, also known as "choice voting," these rounds fill all seats to be elected.

Legislative History

Assembly Elections 5-2
 Assembly Appropriations... 11-5
 Assembly Floor..... 47-31
 Assembly Concurrence ... 47-30

Senate Elections..... 3-2
 Senate Appropriations 9-8
 Senate Floor..... 22-18

Under existing law, charter cities and counties may choose to use ranked voting for local elections. However, general law cities and counties and all districts are not permitted to use ranked voting for local elections.

This bill would have permitted general law cities and counties to conduct local elections using ranked voting, subject to certain voter education and outreach requirements, and would have established a methodology for conducting ranked voting elections.

On October 14, 2007, Governor Schwarzenegger vetoed this bill, expressing concern that not enough was known about ranked voting to permit any city or county to conduct elections using this method, and that voting systems capable of conducting ranked voting elections are not widely available.

AB 1430 (GARRICK)
CHAPTER 708 – STATUTES OF 2007
POLITICAL REFORM ACT OF 1974: CONTRIBUTION LIMITATIONS.

[Amends Section 85703 of the Government Code]

Existing law provides that payments made for communications to members, employees, shareholders, or families of members, employees, or shareholders of an organization for the purpose of supporting or opposing a candidate or a ballot measure are not contributions or expenditures if those payments are not made for general public advertising such as broadcasting, billboards, and newspaper advertisements. However, such payments made by a political party for communications to its members that would otherwise qualify as contributions or expenditures must be reported in the same manner as contributions or expenditures.

Legislative History

Assembly Elections	7-0
Assembly Floor	77-0
Senate Elections.....	4-1
Senate Floor	27-9

This bill clarifies that local governments are prohibited from adopting campaign finance ordinances that restrict communications between an organization and its members unless state law similarly restricts such communications. Specifically, this bill prohibits a local jurisdiction from imposing source restrictions on payments for member communications, adopting limits on payments to a political party committee for member communications, or adopting limits on the scope of payments considered directly related to the making of a member communication except to the extent that such restrictions or limits are made applicable by a state statute or by a state regulation.

AB 1441 (GARRICK)
CHAPTER 283 – STATUTES OF 2007
POLITICAL REFORM ACT OF 1974: LEGAL DEFENSE.

[Adds Section 85304.5 to the Government Code]

Under existing law, a candidate for elective state office or a elected state official can establish a legal defense fund for the purpose of raising money to defray attorney's fees and other related legal costs incurred for the candidate's or officer's legal defense if the candidate or officer is subject to one or more civil or criminal proceedings or administrative proceedings arising directly out of the conduct of an election campaign, the electoral process, or the performance of the officer's governmental activities and duties.

Legislative History

Assembly Elections.....	6-0
Assembly Appropriations ...	16-0
Assembly Floor	72-0
Assembly Concurrence.....	78-0
Senate Elections.....	4-0
Senate Appropriations	(28.8)
Senate Floor	39-0

This bill additionally allows candidates for local elective office and local elected officials to establish legal defense funds, subject to any local contribution limits that are in effect.

AB 1731 (ELECTIONS & REDISTRICTING)
CHAPTER 286 – STATUTES OF 2007
LOCAL ELECTIONS.

[Amends Sections 4000, 9290, and 9295 of the Elections Code]

This is one of the Assembly Elections & Redistricting Committee's annual omnibus bills, containing various technical and non-substantive changes to the Elections Code.

Section 4000 of the Elections Code identifies 9 distinct situations under which elections may be conducted entirely by mailed ballot. One of the 9 identified situations is "[a] maximum property tax rate election as provided for in Section 2287 of the Revenue and Taxation Code." However, in 1978, the voters passed Proposition 13, wiping out all individual property tax rates and substituting a single 1% rate (California Constitution, Article XIII A, 1 [a]). In response, the Legislature repealed Section 2287 of the Revenue and Taxation Code in SB 66 (Local Government), Chapter 296, Statutes of 2003, but did not repeal the language in Section 4000 of the Elections Code that allows those elections to be held entirely by mail. This bill repeals that obsolete provision.

Legislative History

Assembly Elections 7-0
 Assembly Floor 76-0

Senate Elections 4-0
 Senate Floor 39-0

In 2006, the Assembly Elections & Redistricting Committee authored AB 3062, Chapter 508, Statutes of 2006, which, among other provisions, combined two substantially similar code sections relating to arguments for municipal ballot measures into one streamlined code section, and combined two substantially similar code sections relating to rebuttal arguments for municipal ballot measures into one streamlined section. However, AB 3062 failed to delete code-references to the two code sections that were repealed when the code was streamlined. This bill deletes the obsolete code references to those sections.

AB 1732 (ELECTIONS & REDISTRICTING)
CHAPTER 125 – STATUTES OF 2007
ELECTIONS.

[Amends Sections 320, 9237, and 13308 of the Elections Code]

This is one of the Assembly Elections & Redistricting Committee's annual omnibus bills, containing various minor and technical changes to the Elections Code.

The Elections Code currently defines the term "elections official" to include "[a] county clerk, city clerk, registrar of voters, elections supervisor, or governing board having jurisdiction over elections within any county, city, or district within the state." However, governing boards are policy making bodies that have no role in the conduct of elections other than the ministerial duty to call elections and to certify election results. As a result, it is inappropriate to include governing boards within the definition of an "elections official." Furthermore, the inclusion of "governing boards" in the definition of the term "elections official" may cause confusion and could create a conflict if a governing board sought to use this definition to assume the authority of conducting elections from the person who is properly charged with that duty.

Legislative History

Assembly Elections.....	7-0
Assembly Appropriations ...	16-0
Assembly Floor	72-0
Senate Elections.....	4-0
Senate Appropriations	(28.8)
Senate Floor	40-0

This bill removes the term "governing body" from the definition of "elections official."

Under existing law, a person or group that wants to use the power of referendum against a city ordinance must submit its petition signatures within 30 days of a city council's adoption of the ordinance. Before a petition can be circulated, it must have attached to it a final copy of the ordinance. In some cases involving complex city ordinances, however, the final copy of the ordinance may not be immediately available.

In a recent case in Oakland, the Oakland City Council passed an ordinance approving a development agreement on July 18, 2006, but the final copy of the ordinance, including the many exhibits, was not assembled until several days later. The delay in assembling the final version of the ordinance reduced the number of days the referendum's proponents had to get their signatures.

This bill starts the 30-day signature gathering period on future municipal referendum attempts on the date that the adopted ordinance is attested by the city clerk or secretary to the legislative body. This provision will ensure that referendum petitions have a full 30 days to obtain signatures from the time that the ordinance is finalized.

Elections Code Section 13308 explicitly prohibits candidate statements submitted by candidates for judicial office from making reference to any other candidate for that office. However, the California Fourth District Court of Appeals ruled in Dean v. Superior Court (1998) 62 Cal.App.4th 638, that because Section 13307 of the Elections Code does not specifically

authorize candidates to make reference to other candidates, that all candidates for local nonpartisan elective office, not just judicial candidates, are prohibited from referencing other candidates in their candidate statements.

This bill amends Section 13308 of the Elections Code to make that section applicable to all candidates for local nonpartisan elective office, not just candidates for judicial office. By expressly prohibiting candidates from referencing other candidates in candidate statements in accordance with Dean, this bill clarifies state law for candidates and election officials.

AB 1733 (ELECTIONS & REDISTRICTING)
CHAPTER 423 – STATUTES OF 2007
PARK DISTRICTS.

[Amends Section 5520 of the Public Resources Code]

Existing law requires that the elections official report the results from a regional open space or regional park district formation election to the board of supervisors and requires the board of supervisors to canvass the results of the election on the Monday following the election. However, elections officials are not required to finish tallying ballots from an election until as much as 28 days after the election, and it is unlikely that the elections official would be able to tabulate official results by the Monday following the election, particularly during consolidated elections.

Furthermore, the official canvass of election results is a task that is normally and properly conducted by the elections official, with the board of supervisors serving only to certify the results of an election once the canvass has been conducted.

This bill conforms state law governing the reporting and canvassing of regional open space and regional park district formation election results so that it is consistent with the manner in which other election results are reported and canvassed.

Legislative History

Assembly Elections	7-0
Assembly Local Gov.....	7-0
Assembly Floor.....	72-0
Assembly Concurrence	77-0
Senate Elections.....	4-0
Senate Floor.....	39-0

AB 1734 (ELECTIONS & REDISTRICTING)
CHAPTER 515 – STATUTES OF 2007
ELECTIONS: RECORD FORMAT.

[Amends Sections 13102 and 15375 of the Elections Code]

This is one of the Assembly Elections & Redistricting Committee's omnibus bills, containing multiple changes to provisions of the Elections Code governing reporting of election information.

Election Code Section 13102 allows voters who are not registered with a political party (commonly known as decline-to-state (DTS) voters) to vote the ballot of a political party at a primary election if the political party authorizes such participation by DTS voters. County elections officials are required to maintain a record of which political party's ballot was requested by each DTS voter, and are required to make that information available upon request to individuals who are permitted under state law to receive a copy of the list of registered voters. While many counties make this information available in a user-friendly format, some do not, which makes the information of limited use. This bill requires the counties to make the record of which political party's ballot was requested by each DTS voter available in an electronic format. While this information would have to be made available in an electronic format, this bill does not require the information to be electronically transmitted to any individual or entity.

Legislative History

Assembly Elections	7-0
Assembly Appropriations...	16-0
Assembly Floor	72-0
Assembly Concurrence	76-0
Senate Elections.....	4-0
Senate Appropriations	12-0
Senate Floor	38-0

Election Code Section 15375 requires county elections officials to send a copy of election results for various offices to the Secretary of State (SOS) within 35 days of the election. Among other uses, these results become part of the redistricting database housed at the Statewide Database at the University of California, Berkeley. While most counties provide this information in an electronic format, some counties do not, which can require costly and repetitive data entry by the Statewide Database. This bill requires counties to provide the copy of election results required by Election Code Section 15375 in an electronic format, and requires those election results to include the total number of ballots cast—information that counties are already required to collect under existing law. While this information would have to be made available in an electronic format, this bill does not require the information to be electronically transmitted to the SOS.

SB 113 (RON CALDERON)
CHAPTER 2 – STATUTES OF 2007
ELECTIONS: PRESIDENTIAL PRIMARY ELECTIONS.

[Amends Sections 1000, 1001, 1201, and 1202 of the Elections Code]

This bill moves California's presidential primary election from June to February in presidential election years, while retaining the requirement that a statewide direct primary be held in June for all other offices.

Additionally, this bill declares the intent of the Legislature to fully reimburse counties for costs resulting from the presidential primary elections added by this bill in an expeditious manner upon certification of those costs.

Legislative History

Senate Elections.....	3-0
Senate Appropriations	11-1
Senate Floor	31-5
Assembly Elections	5-2
Assembly Appropriations...	11-5
Assembly Floor	46-29

SB 293 (ACKERMAN)
CHAPTER 76 – STATUTES OF 2007
PRESIDENTIAL NOMINEES.

[Adds and repeals Section 7310 of the Elections Code]

Prior to a general election, the Secretary of State (SOS) is required to submit to every county elections official a certificate of nomination specifying all of the candidates nominated or selected at the primary election. This certificate of nomination also includes the presidential electors nominated by each party, and the party's candidates for President and Vice President. Local elections officials use these certified lists of nominees in order to prepare the official ballots and supplemental materials for printing. For the general election scheduled for November 4, 2008, the deadline for the SOS to deliver the certificates of nomination to local officials is August 28, 2008, which is 68 days before the general election. The Republican National Convention is not scheduled to conclude until September 4, 2008, seven days after the certification deadline.

Legislative History

Senate Elections.....	5-0
Senate Appropriations	(28.8)
Senate Floor	38-0
Assembly Elections	6-0
Assembly Appropriations...	16-0
Assembly Floor	80-0

This bill changes the procedure for the certification of the Republican Party nominees for President and Vice President. Under this bill, in the event that the Republican National Convention concluded after the SOS's deadline to deliver certificates of nomination, the Chairperson of the Republican State Central Committee must notify the SOS of the "apparent" party nominees for President and Vice President. The provisions of this bill will sunset on January 1, 2009.

SB 382 (OROPEZA)
VETOED
ELECTIONS: NEW CITIZENS.

[Amends Sections 331 and 3500 of the Elections Code]

The California Constitution provides that "[a] United States citizen 18 years of age and a resident in this State may vote." Under existing law, a resident of California who is at least 18 years of age and who becomes a citizen in the last few days before an election would not be permitted to vote, even though that person meets all the criteria in the state Constitution to vote. The reason that such an individual would be unable to vote is that state law does not permit an individual to register to vote until he or she is a citizen of the United States, and the deadline to register to vote is 15 days before an election.

Existing law thus provides for a limited exception to the voter registration deadline, allowing new citizens to register and vote at the office of the county elections official up to seven days before an election. But a person who becomes a citizen in the last seven days before an election is denied the ability to register to vote, and is therefore unable to vote at that election.

This bill would have allowed individuals who became citizens after the voter registration deadline to register and vote at a location designated by the elections official until the close of polls on election day.

On October 11, 2007, Governor Schwarzenegger vetoed this bill, stating that "[a]llowing any group of people, regardless of the size of the group, to register and vote on the same day poses both logistical and security concerns."

Legislative History

Senate Elections.....	3-2
Senate Appropriations	(28.8)
Senate Floor	23-14
Senate Concurrence.....	23-15
Assembly Elections	5-2
Assembly Appropriations...	11-5
Assembly Floor.....	47-30

SB 408 (OROPEZA)
VETOED
STATE MEASURES: CIRCULATORS.

[Amends Sections 102, 104, 9022, 9209, and 9307 of the Elections Code]

Under existing law, a person who is registered to vote or who is eligible to register to vote in this state may circulate an initiative or referendum petition.

This bill would have prohibited a person from circulating a state initiative or referendum petition unless that person is registered to vote or was qualified to register to vote in the state at the time of the most recent established election date.

On October 11, 2007, Governor Schwarzenegger vetoed this bill, expressing his belief that it "unfairly limits citizens' rights."

Legislative History

Senate Elections.....	3-1
Senate Floor	22-14
Assembly Elections	5-2
Assembly Floor.....	47-31

SB 439 (RON CALDERON)
VETOED
WRITE-IN CANDIDATES.

[Amends Section 15342 of the Elections Code]

Donna Frye was a qualified write-in candidate for mayor in the city of San Diego at the November 2004 general election. When the official canvass of election results was completed, it showed Frye finishing second to incumbent mayor Dick Murphy by 2,108 votes. A recount, requested by five media organizations and two Frye supporters, uncovered a total of 5,551 ballots in which a voter wrote-in Frye's name on the ballot in the correct location, but did not darken the oval next to the write-in space. Had those ballots been counted for

Frye, she would have won the election by 3,443 votes. However, the registrar of voters in San Diego County refused to count those votes, citing state law that requires the oval to be filled-in in order for a write-in vote to count.

Legislative History

Senate Elections.....	3-1
Senate Floor	22-13
Senate Concurrence.....	22-15
Assembly Elections	5-2
Assembly Floor.....	46-30

This bill would have provided that, in the event of a manual recount, provisions of law governing the counting of write-in votes shall be liberally construed to ensure that each ballot is counted if the intent of the voter can be determined, regardless of whether the voter has complied with the voting instructions. Existing law already provides that provisions governing absentee and provisional voting shall be liberally construed in favor of the voter. In a future case with issues similar to the San Diego mayor's race, a provision providing for the liberal construction of write-

in voting laws would appear to require the counting of votes in which the voter wrote-in the name of a qualified write-in candidate, but did not fill in the oval.

This bill was vetoed by Governor Schwarzenegger on October 11, 2007 due to concerns that it could "introduce subjectivity into the electoral process without providing any direction or guidance to elections officials."

SB 484 (LOWENTHAL)
CHAPTER 126 – STATUTES OF 2007
RECALL AND SPECIAL ELECTIONS: CITY OF LYNWOOD. URGENCY.

[Special Statute]

In late 2006, residents of Lynwood began a recall effort against four members of the Lynwood City Council. The recall petition cited an increase in water rates and a development project that would include a football stadium capable of housing an NFL team as reasons for the recall. In January 2007, the recall petitions were approved for circulation by the City Clerk, and the recall proponents began collecting signatures on those recall petitions.

On April 30, the recall proponents filed the petitions with the City Clerk, who counted the signatures on the petitions, and forwarded the petitions to the Los Angeles County Registrar-Recorder's office to verify the signatures. In mid-May, the Los Angeles County Registrar-Recorder verified that the recall petitions contained a sufficient number of valid signatures for the recall against the four City Council members to qualify for the ballot. At a May 15, 2007 council meeting, the City Clerk notified the City Council members in closed session that the four recall petitions had sufficient signatures, and that the Council had 14 days in which to call a special election. The four members of the Council who are the subject of the recall rejected that conclusion on the grounds that the City Clerk improperly served them during closed session and did not use the proper format for her certification.

Two weeks later, at a special City Council meeting, the four members of the City Council who were the subject of the recall voted to retain the firm Strategic Counsel to "review the processes and proceedings regarding the recall election effort" and to "take such actions necessary to ensure that the integrity of elections in the City is maintained including initiating or defending legal actions necessary for the protection of the integrity of the electoral process in the City."

At Lynwood's next Council meeting, on June 5, the City Clerk served the four members of the City Council who were the subject of the recall with certifications that the recall petitions contained sufficient signatures, and again told the council that they were required to schedule the recall election within 14 days.

Legislative History

Senate Trans. & Housing ...	N/R
Senate Appropriations	N/R
Senate Floor	N/R
Senate Elections (29.10)	5-0
Senate Concurrence	40-0

Assembly Transportation	N/R
Assembly Appropriations	N/R
Assembly Elections	7-0
Assembly Floor	79-0

At a special meeting held the next day, the City Council adopted a resolution rejecting the certification by the City Clerk of the sufficiency of the recall petitions, claiming that such certifications were invalid under the Brown Act because the Clerk did not place her item on the agenda for the council's meeting. The Council also adopted a resolution removing all elections-related duties from the City Clerk, and vesting those duties in an "Independent Contracted Third Party." A city staffer was subsequently appointed as the elections official.

On June 22, after receiving notification that the Lynwood City Council had not yet set a special election date, the Los Angeles County Registrar-Recorder scheduled the recall election for September 25 pursuant to state law. Strategic Counsel, the firm retained by the city council to advise and represent the council on issues pertaining to the recall, challenged that action by the Los Angeles County Registrar-Recorder. On July 19, the Superior Court ruled that the signatures on the recall petition were valid and that the recall election should proceed on September 25.

This bill requires any recall or special election held in the city of Lynwood during the 2007 and 2008 calendar years to be administered by the Los Angeles County Registrar-Recorder, upon approval by the Los Angeles County Board of Supervisors, and establishes a procedure for Los Angeles County to be reimbursed from the City of Lynwood for the costs of conducting the recall election.

SB 512 (ELECTIONS, REAPPORTIONMENT & CONSTITUTIONAL AMENDMENTS)

CHAPTER 348 – STATUTES OF 2007

POLITICAL REFORM ACT OF 1974: ELECTIONS.

[Amends Sections 82034, 84605, 87500, and 89511.5 of,
and adds Section 87302.3 to, the Government Code]

This is one of the Senate Elections, Reapportionment & Constitutional Amendments Committee's annual omnibus bills, containing various minor, technical and non-substantive changes to the Political Reform Act of 1974 (PRA).

In a 1978 opinion (Elmore opinion (4 FPPC 8)), the Fair Political Practices Commission (FPPC) held that employee payments made to defined benefit pension plans are not "investments" that have to be disclosed on any Statement of Economic Interests (SEI) that a person must file. This bill amends existing law to codify the Elmore opinion to expressly exclude defined benefit pension plans from the definition of "investment."

Legislative History

Senate Elections.....	5-0
Senate Appropriations	(28.8)
Senate Floor	38-0
Senate Concurrence.....	39-0
Assembly Elections	7-0
Assembly Appropriations...	16-0
Assembly Floor	76-0

As part of the PRA's comprehensive scheme to prevent conflicts of interest by state and local public officials, existing law identifies certain elected and other high-level state and local officials who must file SEIs. Similarly, candidates for those positions must file SEIs. Other

state and local public officials are required to file SEIs if the position they hold is designated in an agency's conflict of interest code.

A position becomes "designated" when the position entails the making or participation in the making of governmental decisions that may foreseeably have a material financial effect on the decision maker's financial interests. For purposes of these provisions, all elective offices (other than elective state offices) are included in the definition of "designated employee." However, there is nothing in the PRA requiring candidates for these offices to file an SEI prior to their election. This deprives the public of important information about personal financial interests that may affect a candidate's ability to perform his or her duties if elected to office.

This bill requires candidates for elective positions designated in a conflict of interest code to file an SEI no later than the deadline for filing a declaration of candidacy or other nomination documents.

Existing law requires the FPPC to forward a copy of any SEI filed by a member of or candidate for the Legislature or Board of Equalization to the clerk of the county that contains the largest percentage of registered voters in the district of the officeholder of candidate, and requires the clerk to retain that copy. However, it is common practice for the county elections official, and not the county clerk, to retain copies of these SEIs, and to make those copies available for public inspection. This bill updates the PRA to conform to this practice.

Additionally, this bill deletes and corrects obsolete code references in the PRA.

SB 513 (ELECTIONS, REAPPORTIONMENT & CONSTITUTIONAL AMENDMENTS)
CHAPTER 199 – STATUTES OF 2007
VOTING AND DISTRICT REFERENDA.

[Amends Sections 340, 8023, 9340, and 10400 of,
and repeals Section 315 of, the Elections Code]

This is one of the Senate Elections, Reapportionment & Constitutional Amendments Committee's annual omnibus bills, containing various minor, technical and non-substantive changes to the Elections Code.

Section 315 of the Elections Code defines the term "demonstrator" to mean a model or facsimile of the voting device or the portion of the face of the voting machine that shows the voter how to operate the machine. However, other than the definition of that term, the word "demonstrator" does not appear in the Elections Code. As such, this bill repeals the definition of that term.

Legislative History

Senate Elections.....	5-0
Senate Floor	39-0
Senate Concurrence	38-0
Assembly Elections.....	7-0
Assembly Floor	80-0

Section 9340 of the Elections Code governs referenda of district ordinances. That section cross references procedures in the Elections Code that govern county referenda, and specifies that the procedures and requirements that apply to county referenda also apply to district referenda. However, the procedures and requirements for district referenda differ in one key respect from the procedures and requirements for county referenda. SB 821 (McCorquodale), Chapter 1582, Statutes of 1985, included a provision that required county referendum petitions to include a copy of the targeted ordinance. According to a Senate Floor analysis of SB 821, the intent of that requirement was to "afford adequate information to persons who are considering signing the petition." However, because the procedures governing district referenda were not updated to include a cross-reference to this new provision, district referenda are not currently required to include the ordinance text, even though referendum petitions in any other jurisdiction must include the text of the legislative act. This bill would include that missing cross-reference, thereby requiring district referendum petitions to include a copy of the legislative act that is the subject of the referendum.

Between 1927 and 2004, a candidate for judicial office was required to file a declaration of his or her intention to become a candidate prior to circulating nomination papers. However, SB 1024 (Elections and Reapportionment Committee), Chapter 811, Statutes of 2003, repealed the requirement for candidates, including judicial candidates, to file declarations of intent as a precondition to receiving and filing nomination papers. The requirement to file declarations of intention was repealed because it was believed that it was an outdated requirement that no longer served any substantive purpose.

However, for sitting superior court judges, the requirement to file a declaration of intention served a very important purpose—providing those judges with advance notice of whether they would be challenged in a re-election effort. Because superior court judges rarely are challenged in their re-election bids (and because judges do not appear on the ballot unless they are

challenged in their re-election bids), most judges do not maintain campaign committees and do not regularly solicit campaign contributions. Candidates for non-partisan office, including candidates for superior court judge, are permitted to place a candidate statement in the voter information portion of the sample ballot. That statement must be submitted at the same time the candidate submits his or her nomination papers, at which time the candidate must also pay the county for the estimated costs of printing, handling, translating, and mailing the statement. Because judges are elected county-wide, in larger counties like Los Angeles County, the costs for a candidate for judge to place a candidate statement in the voter information portion of the sample ballot can be in the tens of thousands of dollars. If a sitting judge is not anticipating a challenge to his or her re-election, it could be difficult for the judge to secure the necessary funding to pay for a candidate statement before the deadline for filing candidacy papers.

As such, SB 506 (Poochigian), Chapter 466, Statutes of 2006, reinstated the requirement that a candidate for superior court must file a declaration of intention to seek office, among other provisions. However, the language that was put into the code in SB 506 was an old and outdated version of the statutory language that required candidates for office to file a declaration of intention. That outdated language included an unnecessary requirement that a candidate file two copies of a declaration of intention to become a candidate, with a copy being forwarded to the Secretary of State (SOS), and did not include language that specified that candidates for judicial office are not required to state their residential addresses on the declarations of intention. This bill specifies that candidates for judicial office need to file only one copy of declarations of intention, repeals the requirement that the SOS be forwarded a copy of the declarations of intention, and specifies that candidates for judicial office are not required to state their residential addresses on the declarations of intention. These modifications would make the procedure for judicial candidates to file declarations of intention identical to the procedure that was in place prior to the repeal of the requirement to file declarations of intention by SB 1024 of 2003.

SB 113 (Ron Calderon), Chapter 2, Statutes of 2007, moved California's presidential primary election from June to February in presidential election years, and specified that the presidential primary election would not be consolidated with the statewide direct primary, which continues to be held in June. However, that bill failed to make appropriate corresponding changes to two sections of the Elections Code. This bill makes those two corresponding changes, so that these provisions of the Elections Code conform to SB 113.

SB 768 (CORBETT)
CHAPTER 305 – STATUTES OF 2007
MISUSE OF VOTER REGISTRATION INFORMATION.

[Adds Sections 2138.5 and 18111 to the Elections Code]

Existing law requires the county elections official to compile an index of all registered voters in the county, and requires the elections official to provide that information to members of the Legislature and Congress, candidates for office, political parties, and ballot measure committees upon request. Additionally, voter registration information is made available to any person for election, scholarly or political research, or governmental purposes. When information is provided to individuals and organizations pursuant to these provisions, a voter's driver's license number, identification number, or social security number is not disclosed.

Legislative History

Senate Elections.....	5-0
Senate Public Safety	5-0
Senate Appropriations	(28.8)
Senate Floor	38-0
Senate Concurrence	39-0
Assembly Elections.....	6-0
Assembly Judiciary	10-0
Assembly Appropriations ...	16-0
Assembly Floor	78-0

Voter registration information obtained by an individual or an organization from an elections official may only be used for purposes permitted by law, and state law explicitly prohibits such information from being used for personal, private, or commercial purposes. Any misuse of such voter registration information is a misdemeanor.

However, if a person obtains information directly from a completed voter registration card before returning that card to the registrar of voters, there is no penalty in state law for the misuse of that information. This can be particularly problematic, because unlike voter registration information obtained legally from an elections official, a completed voter registration card may contain a voter's driver's license number, identification card number, or the last four digits of the voter's social security number—information that can be used in the commission of identity theft.

This bill makes disclosure of a voter's driver's license number, identification card number, or social security number, when obtained from the voter's registration card, an infraction, punishable by a fine of up to \$500. This bill additionally provides that prosecution for a violation under these provisions shall not prohibit prosecution under any other applicable provision of law.

SB 813 (WIGGINS)
CHAPTER 97 – STATUTES OF 2007
DEATH OF A CANDIDATE: ELECTION CANCELLATION.

[Amends Section 8026 of the Elections Code]

Existing law provides that whenever a candidate whose name appears upon the ballot at an election dies after the 68th day before the election, the votes cast for the deceased candidate shall be counted in determining the results of the election for that office. If the deceased candidate receives a majority of the votes cast for the office, he or she shall be considered elected and the office to which he or she was elected shall be vacant at the beginning of the term for which he or she was elected. The vacancy thus created shall be filled in the same manner as if the candidate had died subsequent to taking office for that term.

Legislative History

Senate Elections.....	4-0
Senate Floor	38-0
Senate Concurrence	40-0
Assembly Elections.....	6-0
Assembly Floor	75-0

Existing law, however, also provides that an election may not be conducted and no votes cast for an office may be counted if an incumbent is a candidate for a nonpartisan state or local office at an election at which only one other candidate is running, excluding any write-in candidates, and either the challenger or the incumbent dies after the 68th day before the election. A special election is required to be held when the death of the challenger or the incumbent occurs under these circumstances. This provision does not apply to judicial offices. Furthermore, this provision is located in an area of the Elections Code that pertains only to primary elections and was never intended to apply to a run-off election.

This bill clarifies that these latter provisions apply only to a primary election and not to a run-off election.

SB 854 (RIDLEY-THOMAS)
CHAPTER 481 – STATUTES OF 2007
VOTER REGISTRATION: STUDENTS.

[Amends Section 2146 of, and adds Section 2148 to, the Elections Code]

Existing law states the intent of the Legislature that every school should do everything in its power to ensure that students are provided the opportunity and means to register to vote. Additionally, existing law requires the Secretary of State (SOS) annually to provide every high school, California community college (CCC), and California State University (CSU) and University of California (UC) campus with voter registration forms.

This bill requires public institutions of higher education, in coordination with the SOS, to operate an automated program that will permit students to elect to receive voter registration materials at that time they register for classes. Every CCC and CSU campus would be required to develop such a system by January 1, 2010 or within two years of the date that the campus implemented an automated class registration system, whichever is later. Additionally, this bill encourages the UC system to develop such an automated program.

Finally, this bill requires every high school, CCC, and CSU campus and encourages the UC to designate a contact person to the SOS for the purpose of facilitating the distribution of voter registration cards, as required under existing law.

Legislative History

Senate Elections..... 3-2
 Senate Appropriations..... 10-6
 Senate Floor..... 23-15
 Senate Concurrence..... 24-12

Assembly Elections 5-2
 Assembly Higher Ed. 5-1
 Assembly Appropriations... 12-5
 Assembly Floor..... 45-30

SB 884 (LOWENTHAL)
CHAPTER 663 – STATUTES OF 2007
CALIFORNIA COASTAL COMMISSION: GIFT OR GRATUITY.

[Adds Sections 30327.5 and 30327.6 to the Public Resources Code]

The California Coastal Commission (Commission) is an independent, quasi-judicial state agency charged with the management and regulation of California's coastal resources. It is comprised of 12 voting members and four non-voting members. Six of the voting members are "public members" and six are local elected officials representing coastal cities or counties. The Commission holds monthly public meetings of three to five days in length in different locations throughout the state.

Legislative History

Senate Nat. Res. & Water .. 5-3
 Senate Floor..... 29-10
 Senate Concurrence..... 28-6

Assembly Nat. Res. 9-0
 Assembly Elections 5-2
 Assembly Floor..... 71-3

Because of the high stakes and often controversial nature of coastal development, the Commission is heavily lobbied by many interests affected by its policies and decisions. However, a person lobbying the Commission is not subject to the same requirements that apply when lobbying the Legislature or other state agencies. This is due to the fact that Commission proceedings are not "administration actions," as defined in the Political Reform Act.

This bill prohibits an interested person, defined to include an applicant, an agent or an employee of the applicant, or a person receiving consideration for representing the applicant, or a participant in the proceeding on any matter before the commission, from giving, conveying, or making available gifts aggregating more than \$10 in a calendar month to a Commissioner or an employee of the Commission.

SB 924 (PERATA)
VETOED
IRAQ WAR: ADVISORY ELECTION.

[Special Statute]

This bill would have required the February 5, 2008 statewide presidential primary election ballot to include an advisory vote on whether the President should end the United States occupation of Iraq. The question that would have been placed before the voters was as follows:

Shall President George W. Bush, in support of the men and women serving in the Armed Forces of the United States, end the United States occupation of Iraq and achieve the immediate, complete, safe, and orderly withdrawal of United States forces; and, further, shall President George W. Bush and the Congress provide the necessary diplomatic and nonmilitary assistance to promote peace and stability in Iraq and the Middle East?

Legislative History

Senate Rules.....	3-2
Senate Appropriations.....	10-6
Senate Floor.....	25-12
Senate Concurrence.....	23-14
Assembly Elections	5-2
Assembly Appropriations...	11-5
Assembly Floor.....	43-32

On September 11, 2007, Governor Schwarzenegger vetoed this bill, expressing his belief that "[p]lacing a non-binding resolution on Iraq on the . . . ballot, when it carries no weight or authority, would only further divide voters and shift attention from other critical issues that must be addressed."

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